

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:06-PT-37

v.

HON. ROBERT HOLMES BELL

THOMAS SCOTT KEMPENAAR,

Defendant.

\_\_\_\_\_ /

**ORDER ADOPTING REPORT & RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

NOW THEREFORE, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that:

Defendant's term of supervised release is revoked and the defendant is committed to the custody of the Bureau of Prisons for a period of three (3) months. Upon release from imprisonment, the defendant shall serve a 25-month term of supervised release. In addition to the standard conditions of supervised release, the defendant shall abide by the following additional conditions:

1. The defendant shall participate in an inpatient drug treatment program for up to 90 days immediately after his release from custody. If defendant fails to complete the 90 day inpatient treatment successfully, he shall be returned to the custody of the Bureau of Prisons for a period of six months.
2. The defendant shall reside at the Community Alternatives Program, located in Grand Rapids, Michigan, for the next four (4) months of his term of supervised release. He shall abide by all rules and regulations of this program and shall receive work release at the direction of the probation officer.
3. The defendant shall participate in a program of testing and treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer, and shall pay at least a portion of the cost according to his ability as determined by the probation officer.
4. The defendant shall refrain from all use and/or possession of alcoholic beverages and shall not frequent places whose primary purpose is the sale and/or serving of alcohol.
5. The defendant shall not illegally possess a controlled substance and shall refrain from the unlawful use of controlled substances.
6. The defendant shall provide the probation officer with access to any requested financial information.
7. The defendant shall not apply for, nor enter into, any loan or other credit transaction without permission of the probation officer.
8. The defendant shall not associate with anyone using, possessing, or having been convicted of possessing controlled substances, to include relatives, without prior approval of the probation officer.
9. The defendant shall secure and maintain verifiable employment. If the defendant is unemployed, the defendant shall perform at least 20 hours of community service work per week, at the direction of the probation officer.
10. The defendant shall be at his residence between the hours of 11:00 p.m. and 6:00 a.m. All exceptions shall be approved in advance by the probation officer.
11. The defendant shall not use or possess body armor.
12. The defendant shall not possess or be the primary user of any cellular phone or other mobile telecommunications device without prior permission from the probation

officer. If given permission to use/possess a cell phone, the defendant must provide the number to the probation officer and the phone must be maintained in the defendant's name or another name approved in advance by the probation officer.

13. The defendant shall participate in the ACE Program following his release from custody and inpatient treatment.

Date: April 21, 2008

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE